



Express Mail No.

GALENA PARK INDEPENDENT SCHOOL DISTRICT
A Texas Exemplary School District

14705 Woodforest Blvd. Houston, TX 77015

(832) 386-1000

Shirley J. Neeley, Ed. D., Superintendent
Patti Foster, Secretary

Appeal Letter

April 24, 2003

RECEIVED

MAY 23 2003

*Federal Communications Commission
Office of the Secretary*

Ms. Magalie Roman Salas
Secretary
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W., Rm TW-204B
Washington, D.C. 20554

Re: CC Docket no. 96-45, and CC Docket no. 97- 21
Galena Park Independent School District/Form 471 Application Numbers: 314879,
and 305340; FRNs - 820430, 822071, 822130, 822164, 822193, 822230, and 825479
Funding Year 2002: 07/01/2002 - 06/30/2003
Billed Entity Number: 141337

Enclosed are the original and four (4) copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

Galena Park Independent School District (GPISD) formally requests a review of the Funding Commitment Decision Letter (FCDL) issued by the Universal Service Administration Company, Schools and Libraries Division (SLD), dated March 10, 2003.

BOARD OF EDUCATION

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No. 07-2003-1003

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074

Basically, the SLD asserts that GPISD failed to adhere to procurement requirements. Specifically, the SLD states that (1) GPISD chose vendors from an RFP not a 470; (2) 470 said no RFP; (3) services for which funding sought were not defined when vendor selected; (4) price of services not a factor in vendor selection; and (5) price of services set after vendor selection. The SLD used the same wording to deny funding for two vendors: Region IV Education Service Center, and IBM Corporation. Region IV Education Service Center is a State established organization from which Texas school districts purchase goods and services that were bid, thus at competitive prices.

GPISD states that it properly:

1. completed the Form 470
2. used both the Form 470 and its RFP in its selection process
3. defined services being sought and considered price as a factor in the selection of vendors and
4. set the price for services before vendor selection.

As a result, GPISD awarded to the vendor, which best met GPISD requirements. GPISD followed all district and state procurement rules in the award of all e-rate related contracts. We respectfully request that the decision to deny GPISD Year 5 Erate Application be reversed based on the following facts.

1. Vendors were chosen from the RFP not the 470

GPISD must adhere to state and local procurement laws. GPISD's procurement policy is set forth on its web site at: <http://www.tasb.org/cgi-pol/do-toc-frame-verity.perl?orgno=101910&letter=C> For Appeal purposes, I have attached a copy of the relevant portion of the GPISD procurement policy and practice as Attachment I. GPISD is also aware that it had to follow SLD procurement regulations, specifically FCC Instructions for the 470. (The Introduction to the 470 states, in part, that "The purpose of

the FCC Form 470 is to open a competitive bidding process" for the services desired.)

FCC Form 470 Instructions, April 2002 Page 2

GPISD did in fact follow these "Instructions". However, GPISD did not rely solely on posting the 470 to secure vendors; by Texas law, GPISD had to strictly follow state procurement policies, and GPISD did so. See Attachment I. The SLD appears to suggest that GPISD should have followed the 470 instructions, and ignore Texas law. The SLD's suggestion would put GPISD in an untenable position: that is, violating Texas procurement law while complying with the 470 Instructions. This is simply unreasonable.

GPISD adhered to the 470 Instructions and Texas law. Not only did GPISD follow the letter and intent of the 470, but GPISD used the Texas "bid" process. By Texas law, GPISD make purchase of services/hardware "by the method that provides the best value for the District ['Competitive bidding']." *Id.* Therefore, it was not improper to choose a vendor pursuant to Texas procurement law.

2. 470 said no RFP

GPISD checked "NO" indicating that it did not have an RFP for "e-ratable" services and listed descriptions of the e-ratable hardware/services being requested on both Form 470s. (GPISD filed two (2) 470s. Nos. 22351500003777 (11.06.2001), and 855150000364963 (09.10.2001).) Said differently, the wording of the FCC Form 470 asks "Do you have an Request for Proposal (RFP) that specifies the services that you are seeking." [emphasis added.] Neither 470 was for services that were specified on the 470s. GPISD issued an RFP on October 4, 2001; this RFP complied with Texas procurement law. On November 9, 2001, GPISD filed 470 (22351500003777) to add e-mail services. This 470 complied with SLD procurement regulations, and the RFP complied with Texas procurement law. Should the SLD now penalize GPISD for complying with Texas law?

GPISD waited the minimum 470 posting period (28 days) for 470 no. 22351500003777, so that any vendor who wished to participate could contact the GPISD purchasing office. GPISD did not receive any response to the 470 posting, other than the selected vendors.

(470 no. 855150000364963 was not used by GPISD.) Contracts with the vendors, in both Application no. 314879, and Application no. 305340, were not signed until January 11, 2002 and January 15, 2002, respectively. Thus, any and all vendors had the opportunity to participate in the competitive process. (In a December 12, 2002 letter to George McDonald, SLD, GPISD stated that "At the time the 470 was submitted, there was no RFP...". All e-rate procurements have been treated exactly the same as all other GPISD procurements. The district's evaluation matrix for selection of the winning bidder had cost as the most important criterion – in other words, we selected the winning bidder based on lowest cost, among other appropriate criteria. Submissions for reimbursements for telecommunications and internet access were based on existing contracts and no RFPs were ever issued.)

Therefore, this is really a non-issue since GPISD followed Texas procurement law regarding the RFP, and the 470s were posted in accordance with SLD regulations.

3. Services for which funding sought not defined when vendor selected

GPISD relied upon its five (5) Year Technology Plan to define what hardware and associated services it required for Funding Year 2002: 07/01/2002 – 06/30/2003. For Appeal purposes, I have attached the relevant portions of "Galena Park Independent School District 2001-2005 District Technology Plan" as Attachment II. This Technology Plan, which was approved by the Texas Education Agency in May 2001, is a "technological road map" for GPISD in that it is a guide for telecommunications, internal connections, and Internet Access. Attachment II. The complete Technology Plan can be found on the web at <http://www.galenaparkisd.com/technology/fiveyearplan.pdf>. The Technology Plan told GPISD precisely what network services and hardware it needed to apply for *via* the e-rate Year 5 process.

4. Price of services not a factor in vendor selection

GPISD can clearly demonstrate that price was a major factor in vendor selection. In Attachment I it clearly states the following:

"In awarding a contract, the District may consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)" [underlining added.]

Again, GPISD's procurement policy/practice and Texas law mandates that "price" be a major factor in GPISD's procurement decisions. And, it was. In addition, even though GPISD is a very poor district (90 percent based on the SLD's free/reduced data), GPISD must still pay for its portion of any SLD award. Therefore, this is another incentive for GPISD to be very aware of the "costs" for its network. If GPISD is not cost conscious (with price as a factor), the District would in fact pay more, a lot more for services/hardware. We are aware that the FCC discussed this very issue when it stated that:

"Because we will require schools and libraries to pay a portion of the costs of the services they select,... we agree with the Joint Board that, as recognized by most commenters,...allowing schools...to choose the services for which they will receive discounts is most likely to maximize the value to them of universal service support and to minimize inefficient uses of services.." *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157 (rel. May 8, 1997) (Universal Service Order)*

This Order can be found at: <http://www.e-ratecentral.com/> FCC Establishing Orders.

5. Price of services/hardware set after vendor selection

Vendor selection was conducted by a selection committee, and approved by the Galena Park ISD School Board. Final prices for vendor services (as appropriate for an RFP process) were set prior to contract signing. Attachment III (Affidavit) Until GPISD signs a contract nothing is finalized and the district has both made NO VENDOR COMMITMENT and maintains MULTIPLE OPTIONS FOR PROCUREMENT. The district could have used any procurement vehicle legal in the State of Texas for hardware/services. Prices were always the most important factor in vendor selection. See para. four (4) above. The Contracts were signed on January 15, 2002.

6. Relief Requested

In conclusion, GPISD provided a fair and competitive bid process that met all state and local laws for procurement and was consistent with existing district practice. GPISD also followed, to the letter, all of the SLD's written policies for procurement. Please consider the evidence that has been presented as undeniable reasons to overturn the SLD's "denial decision" to GPISD's Year 5 Erate applications and thereby award each FRN in full.

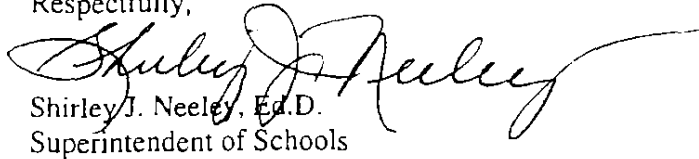
And, Galena Park Independent School District requests the following relief:

A) GPISD wants the Federal Commission Commissioners to immediately direct the SLD to issue an Funding Commitment Decision Letter stating that Galena Park Independent School District should receive funding for the services as requested in its Applications and for FRNs:

B) *GPISD is a very poor District. Therefore, we are requesting that the FCC issue a decision as quickly as possible, within 90 days as stated in FCC rules.*

C) GPISD is aware that e-rate funds are in demand. Therefore, so that we do not lose out on funding we are requesting that the FCC set funds aside to totally fund the Galena Park Independent School District's request.

Respectfully,

A handwritten signature in cursive script, appearing to read "Shirley J. Neeley", written in black ink.

Shirley J. Neeley, Ed.D.
Superintendent of Schools

Cc: Congressman Gene Green
Senator Kay Bailey Hutchison

Attachment I

Galena Park ISD
101910

PURCHASING AND ACQUISITION

CH
(LEGAL)


BOARD AUTHORITY	The Board may adopt rules and procedures for the acquisition of goods and services. <i>Education Code 44.031(d)</i>
DELEGATION OF AUTHORITY	<p>The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B to a designated person, representative, or committee.</p> <p>The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.</p> <p><i>Education Code 44.0312</i></p>
INJUNCTION	A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the District is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. <i>Education Code 44.032(f)</i>
PURCHASES VALUED AT OR ABOVE \$25,000	<p>All District contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$25,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District:</p> <ol style="list-style-type: none"> 1. Competitive bidding. 2. Competitive sealed proposals. 3. A request for proposals for services other than construction services. 4. A catalog purchase as provided by Government Code Chapter 2157, Subchapter B. 5. An interlocal contract. 6. The reverse auction procedure as defined by Government Code 2155.062 (d).

Note: Regarding construction of school facilities, see CV generally; CVA for competitive bidding; CVB for competitive sealed proposals; CVC for design/build contracts; CVD, CVE for contracts using a construction manager; and CVF for job order contracts for minor repairs/alterations.

Education Code 44.031(a)

In awarding a contract, the District may consider:

FACTORS

1. Purchase price. 
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

The factors listed above are the only criteria that may be considered by the District in its decision to award a contract. The District may apply one, some, or all of the criteria, but it may not completely ignore them. R.G.V. Vending v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.-Corpus Christi 1999, no pet.).

NOTICE
PUBLICATION

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in the county where the District's central administrative office is located, once a week for at least two weeks prior to deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.

*Education Code 44.031(g)*PERSONAL
PROPERTY
PURCHASES
VALUED \$10,000
TO \$25,000

When the District seeks to purchase personal property of a value of at least \$10,000 but less than \$25,000, in the aggregate, for a 12-month period, the District may either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described below. *Education Code 44.033(a)*

NOTICE

For each 12-month period, the District shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the school is located. If there is no newspaper in the county in which the school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the school is located, specifying the categories of personal property to be purchased and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the District. *Education Code 44.033(b)*

VENDOR LIST

For each category, the District shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the District elects to include. Before the District makes a purchase from a category of personal property, it must obtain written or telephone price quotations from at least three vendors from the list for that category. If fewer than three vendors are on the list, the District shall contact each vendor. Whenever possible, telephone quotes should be confirmed in writing by mail or facsimile. The bidding records

	shall be retained with the District's competitive bid records and are subject to audit. Purchases shall be made from the lowest responsible bidder. <i>Education Code 44.033(b),(c)</i>
PRODUCE OR FUEL PURCHASES	When the District purchases produce or fuel valued at \$10,000 or more in the aggregate, for a 12-month period, the District must either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described immediately above. <i>Education Code 44.033(a), (d)</i>
PROFESSIONAL SERVICES	The purchasing requirements of Education Code Section 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agent. The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. <i>Education Code 44.031(f)</i> Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. <i>Gov't Code 2254.002, 2254.003(a)</i> [See also CV (LEGAL)]
EMERGENCY DAMAGE OR DESTRUCTION	If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. <i>Education Code 44.031(h)</i>
COMPUTERS	The District may acquire computers and computer-related equipment, including computer software, through the Texas Building and Procurement Commission (BPC) under contracts with the BPC in accordance with Government Code Chapter 2157. <i>Education Code 44.031(i)</i>
SOLE SOURCE	Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess

of \$15,000.

Education Code 44.031(j),(k)

IMPERMISSIBLE
PRACTICES

A Trustee, employee, or agent shall not, with criminal negligence, make or authorize separate, sequential, or component purchases to avoid the purchasing requirements set out in Education Code 44.031. An officer or employee shall not knowingly violate Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, over a period, of items that in normal purchasing practices would be made in one purchase.

Violation of this provision is a Class B misdemeanor and an offense involving moral turpitude, conviction of which shall result in removal from office or dismissal from employment. A Trustee who is convicted of a violation of this provision is considered to have committed official misconduct and for four years after the date of final conviction, the removed person is ineligible to be appointed or elected to public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision, and is ineligible to receive any compensation through a contract with the state or a political subdivision. [See BBC(LEGAL)]

Education Code 44.032

INSURANCE

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031 or 44.033. *Education Code 44.031, 44.033; Atty. Gen. Op. DM-347 (1995)*

MULTIYEAR
CONTRACTS

The District may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at COMMITMENT OF CURRENT REVENUE, below. If the District executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the District will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

COMPETITIVE
BIDDING

If the District receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical bids.

If only one of the bidders submitting identical bids is a resident of the District, that bidder shall be selected. If two or more such bidders are residents of the District, one shall be selected by the casting of lots. *In all other cases, one of the identical bids shall be selected by the casting of lots.*

The Board shall prescribe the manner of casting lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

REVERSE
AUCTION*Local Gov't Code 271.901*

Districts that use the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the District and fair to vendors. *Local Gov't Code 271.906(b)*

Reverse auction procedure means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

OUT-OF-
STATE
BIDDERS*Gov't Code 2155.062(d)*

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001, 2252.002* _

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the BPC in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003, 2252.004*

INTERLOCAL
AGREEMENTS

To increase efficiency and effectiveness, the District may contract or agree with other local governments and with state agencies, including the BPC, to perform some of its purchasing functions. *Gov't Code 791.001, 791.011*

The District may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the BPC, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. Such an agreement may not, however, apply to services provided by firefighters, police officers, or emergency medication personnel.

Districts that purchase goods and services by agreement with another local government or with the state or state agency satisfy the requirement to seek competitive bids for the purchase of goods and services.

*Gov't Code 791.025(b),(c), Atty. Gen. Op. JC-37 (1999)*STATE
PURCHASING

Purchasing services performed for the District by the BPC shall include:

Attachment II

Galena Park Independent School District

2001—2005

District Technology Plan

Approvals

GPISD Board of Trustees 1-18-2001

Texas Education Agency 5-2001

Last revision 6-14-01



Mission

“The mission of the Galena Park Independent School District is to prepare students to become productive citizens and life-long learners.”

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GPISD VISION

MISSION

The **mission** of the Galena Park Independent School District (GPISD) is "to prepare students to become productive citizens and life-long learners." As part of this mission, Galena Park ISD prepares its students for the demands of 21st century. This century will require that students be competent in the use of technology. Computers have become essential for almost every human activity – in businesses, in the home, and even in leisure activities. To manage information in an interconnected world, students must be educated about the functions and uses of technology, and technology must be integrated into education in every part of the curriculum. That technology has become a way of life must be reflected in the schools of the 21st century.

TECHNOLOGY MISSION

The **technology mission** of GPISD is to integrate technology in a way that the educational program for all children in the district will:

- Encourage problem-solving, exploration and learning in the classroom;
- Provide *student-centered learning*;
- Provide access to technology for all students and staff;
- Provide for both current and future needs;
- Restructure the learning environment;
- Encourage communication;
- Complement current key teaching strategies; and
- Implement a comprehensive information system.

TECHNOLOGY PHILOSOPHY

Galena Park ISD believes that an effective integration of technological systems will help to prepare students for the application of skills in the 21st century.

PLAN OVERVIEW

Galena Park ISD (GPISD) has committed substantial resources—personnel, time, and money—toward the implementation of telecommunications and information technology, along with instructional software for all students. Consequently, GPISD is a leader and innovator in the field of Technology.

The district's telecommunications and information technology infrastructure is impressive. The Wide Area Network (WAN) backbone interconnects all 22 campuses, support locations and administrative offices through T-1 lines provided by Southwestern Bell. Every location has a Local Area Network (LAN) with at from two to five up-to-date file servers running the Novell Netware operating system. Every classroom and office in the district is connected to the Internet. The district has adopted a standard Intel-based configuration for workstations and servers, which support the Microsoft Windows operating system. Every classroom has at least one computer.

The district also provides a major commitment of personnel to support technology. Eighteen staff members in the Technology Department provide administrative and technical support for all financial and student applications. In addition, at least one experienced certified teacher is assigned the full-time responsibility for facilitating technology and technology integration into the curriculum on nearly every campus. This individual is called a Technology Instructional Specialist (TIS) to reflect the absorption of Technology into Instruction. Staff development for all administrators and teachers is a very high priority.

The target of all this effort, of course, is the student. Student applications include TAAS-related learning software such as Jostens and Math Keys. Students are able to work together in computer labs and independently in classrooms. An outstanding resource available on every campus is the Model Curriculum Assessment Database (MCAD). This software links the district's curriculum, TAAS objectives, the TEKS, and learning resources to assist teachers in their task of instructing students. Other resources including the LightSpan, NovaNet, and Accelerated Reader are designed to target special groups of students with special needs.

TECHNOLOGY PLAN - NARRATIVE

INTRODUCTION

Because of the rapid technological changes and new developments, such as the growth of the Internet, technology planning has been a continuous process in Galena Park ISD. In May 1992, following more than 24 months of planning, GPISD completed its first five-year Technology Plan (for the Years 1992—1997) and submitted it to TEA. This plan established that technology was an integral part of the educational setting. It called for the integration of hardware and software to meet increasing demands for access to technology. The complete plan also included staff development and maintenance components.

During the target period, the District committed substantial resources (personnel, time, and money) toward the implementation of this plan. During the 1997-98 school year, at the conclusion of the five-year period, a team of district-level administrators, principals, and teachers met on a regular basis to revise and improve the earlier plan. The result was the Technology Plan for 1998-2003, which was submitted to TEA and approved in 1998.

Driven by the ever increasing pace of changes in technology and by State and Federal technology initiatives, planning has continued in GPISD. The planning team of administrators and teachers, led by technology consultants, met in the Spring and again in the Fall of 1999. The basis and starting point for this group's efforts were the 1992-1997 plan, the 1998-2003 plan (both referenced above) and the *Galena Park ISD District Improvement Plan*.

The *GPISD District Improvement Plan* contains one goal of particular relevance to the technology plan. This is Goal 1: "The district will provide purposeful and relevant instruction and curricula in a way that all students will achieve their potential so that they become productive and responsible citizens and continue to grow personally and intellectually."

The Technology Planning Team has developed our improvement plan around the Instructional Goals of GPISD. Primary emphasis is on **student instructional needs**. Other areas of commitment are **staff development, service, support and implementation of new technologies** into the learning process. The following is a list of specific Benchmarks for Students and Staff, which that are the focus of the Galena Park ISD 2001-2005 Technology Plan.

GOALS AND OBJECTIVES FOR 2001-2005

Goal 1. Telecommunications and Information Technology

GPISD will enhance the quality of instruction through district wide implementation of state-of-the-art telecommunications and information technology hardware and its integration as an essential part of the district environment.

Objectives

1. Upgrade the existing WAN backbone to provide 1-gigabit (fiber-optic) service to every campus and administrative location in support of voice, data and video.

2. Relocate all campus file servers into a consolidated data center located at the new administration facility.
3. Ensure that all hardware acquired meet district instructional goals and are consistent with latest industry standards. (District hardware standards are presented on page 11.)
4. Implement a phased approach to acquisition of new computers and peripheral hardware such that the goal of having the equivalent of five computers per classroom is met by the end of the five year plan.
5. Develop and implement a plan for maintaining, securing, and protecting the district's hardware investment.

Goal 2. Instructional Software

GPISD will enrich the quality of instruction by acquiring and maintaining appropriate software that can be integrated into the classroom environment.

Objectives

1. Ensure that all software is aligned in such a way that all components of the curriculum are compatible and consistent with district objectives.
2. Ensure that instructional software is operational and accessible in classrooms and computer lab settings.
3. Provide training on the use and procedures for implementation of available software to teachers and Technology Instructional Specialists (TIS) and implementation procedures

Goal 3. Staff Development

GPISD will increase district wide staff development programs to insure consistent and effective use of hardware and software to enhance student success.

Objectives

1. Ensure that TIS personnel at each campus facilitate and track campus staff development, technology integration, and technology curriculum alignment.
2. Provide District level staff development during inservice, after school and summer.
3. Offer community and family-directed activities, such as the District Technology Festival, to display campus technology integration projects for parents and the community.

Goal 4. Continuous Improvement

GPISD will continue to monitor and update the technology plan in a way that new technology developments are carefully evaluated and prioritized so that appropriate and cost-effective hardware and software are included.

Objectives

1. Ensure that the use of district technology is evaluated such that useful practices can be continued and unnecessary equipment, software, and techniques can be eliminated.
2. Ensure that new developments in technology are assessed and studied before their acceptance as part of the district standard.
3. Ensure that continuous evaluation and monitoring take place and, working in conjunction with the Evaluation Department, ensure that feedback is timely and continuous.

DISTRICT TECHNOLOGY INITIATIVES

Elementary School

In compliance with the Technology TEKS, the following minimum standards will be met.

By the end of the 2nd grade, all students have an opportunity to:

- Use appropriate terminology to name the various parts of computer hardware and other technological tools.
- Demonstrate the appropriate handling of a variety of technological tools.
- Use appropriate fingering and be familiar with the placement of letters on the keyboard.
- Be able to use drawing and painting tools.
- Be able to change font, size, color, and page layout while composing a story.
- Use software as appropriate in curricular areas.
- Create a multimedia project incorporating text, sound and graphics.
- Present completed projects to appropriate audience.

By the end of 5th grade, all students have an opportunity to refine all of the K-2 competencies and have an opportunity to:

- Comply with district policies and copyright laws as they apply to electronic information.
- Demonstrate correct fingering of numbers and symbols while keyboarding.
- Demonstrate the ability to use word processing software effectively.
- Demonstrate an understanding and be able to use database software.
- Demonstrate an understanding and be able to use spreadsheet software.
- Demonstrate the use of laser disc and CD-ROM technology.
- Integrate appropriate use of multimedia software.
- Demonstrate appropriate use of the Internet.

Middle School

- By the end of the 8th grade, all students should demonstrate mastery of elementary competencies and also have an opportunity to:

- Demonstrate an understanding of basic functions of software packages and the application of these packages in solving problems.
- Demonstrate an understanding of the problems and issues of technology in society.
- Demonstrate an understanding and use of word processing software.
- Demonstrate an understanding and use of database management software.
- Demonstrate an understanding and use of electronic spreadsheet software.
- Demonstrate an understanding of current emerging technologies, peripherals, and related software.
- Demonstrate the use of the computer as a tool for problem solving.
- Demonstrate the appropriate use of telecommunications.
- Understand the basis of a networked society.

High School

By the end of 12th grade, all students will have an opportunity to refine all competencies introduced in lower grades as well as to develop the following:

- Differentiate and apply technological knowledge and skills as related to individual subject areas.
- Achieve a higher level of understanding of the foundation curriculum as well as the enrichment areas using technology.
- Discover and explore advanced search strategies.
- Acquire abilities to assess, analyze, and evaluate information using technology to solve problems.
- Enhance oral and written communication skills using a variety of technological applications and devices.
- Raise the level of technological competencies through in-depth courses.
- Develop a proficiency level of technological knowledge and skills in preparation for higher education and/or career choices.
- Teachers
 - Attend campus and district training sessions to increase knowledge and use of campus software (student and teacher programs).
 - Review technology TEKS and implement into assigned curriculum and instruction as appropriate.
 - Utilize and maintain accurate and up to date records on electronic grade book and attendance programs provided by the district.
 - All employees will understand and utilize technology concepts and protocols as they relate to each person's productivity area.

Staff

- All employees will understand and utilize technology concepts and protocols as they relate to each person's productivity area.
- Appropriate departments will provide training in the use of specialty software. (Examples include SASI, Delta, PEIMS, ABACUS, and Classroom.)

OTHER DETAILS OF THE PLAN***Telecommunication Services***

As mentioned earlier, all 22 campuses, support locations and administrative offices are interconnected through T-1 lines provided by Southwestern Bell and every classroom and office in the district is connected to the Wide Area Network (WAN) and the Internet. GPISD is in the process of planning for the replacement of these T-1 lines with high-speed fiber lines. The district would be able to benefit from the discounted telecommunications rates provided by the e-rate funding and reallocate funds to other areas of need.

Hardware and Software

GPISD has completed a five-year effort to place three networked computers in every classroom. The current plan is to acquire over the next five years, the equivalent of five networked computers for every classroom. The five-year plan for acquisition of hardware is summarized in the tables beginning on page 56. This plan calls for the acquisition of three computers for each classroom over the next five years. At the end of that period, a planned approach to upgrading and replacement will be implemented.

Budget Strategies

The five-year budget is summarized in the tables beginning on page 56. Funding for this budget will come from several sources including District funds and the State Technology Allotment as well as from TIF funding and e-rate.

Evaluation Strategies

Both formative and summative evaluation strategies are called for in this plan. Summative Evaluation will be based on compilation of anecdotal records, logs of student computer use, and other outcomes such as test scores. Formative evaluation criteria are integrated into the plan in the tables below, beginning on page 14.

DISTRICT TECHNOLOGY STANDARDS

HARDWARE STANDARDS

Wide Area Network

- The district will provide each location access to a switched 1Gbps Ethernet WAN through fiber-optic cable (Time-Warner), configured so that there is 100Mb/sec available at each workstation.
- Supporting equipment at each location may be different depending on the campus layout and users, but will be consistent with GPISD's plan for the broadband network, made up, for the most part, of Cisco Catalyst 4000 Series Modules.
- Some spare equipment will be stocked for quick replacements as needed.

Computers

- Each campus will have available the equivalent of four¹ Windows 95, or better, workstations for each core curriculum classroom. Core curriculum classrooms are those physical rooms where students attend math, language arts, science and/or social studies classes.
- Each non-core curriculum classroom will have a minimum of one Windows 95, or better, workstation.
- Each elementary library will have a minimum of six Windows 95, or better, workstation.
- Each secondary library will have a minimum of ten Windows 95, or better, workstation.
- Each secondary campus that has more than five floating teachers will have ten Windows 95, or better, workstations to place in a mini-lab for teacher use.

Other Peripherals

- Every classroom will have one television connected to a computer for multimedia applications, Internet display, and software introduction and use.
- Every campus will have a minimum of two print and file servers² running Novel 4.x, or better.
- Each server will have a UPS and a tape backup.
- Every campus will have one Abacus NCS scanner.
- Every campus will have a minimum of one digital camera or digital video camera.
- Every campus will have a minimum of one CD tower.
- Every campus will have a minimum of one flat bed scanner.
- Every campus will have a minimum of one laser printer for each campus lab.

¹ This includes pre-existing workstations that meet the standards of this plan

² This will change following the consolidation of servers to a central facility.

GOAL 1b Improve instruction by developing a higher level of knowledge and skills in computer technology.

OBJECTIVE Students will demonstrate knowledge and appropriate use of hardware components, software programs, and their connections.

Activity	Staff to Implement	Timeline	Suggested Resources	Evidence of Completion
Students will explain the differences between analog and digital technology systems and give examples of each.	Classroom teacher / Instructional Technology Support	Immediate and ongoing	Training manuals, computers, tech support	Performance assessment
Students will use terminology related to the Internet appropriately including, but not limited to, electronic mail, Uniform Resource Locators, electronic bookmarks, local area networks, World Wide Web page, and HyperText Markup Language.	Classroom teacher / Instructional Technology Support	Immediate and ongoing	Computer Literacy laser disc, text book	Performance assessment
Students will compare and contrast LANs, WANs, Internet, and intranet.	Classroom teacher / Instructional Technology Support	Immediate and ongoing	Computer Literacy laser disc, text book	Performance assessment

HARDWARE ACQUISITION PLAN AND BOND FUND BUDGET

NEW COMPUTER ACQUISITION (2001-2002)

The table on the following page shows the planned allocation of Bond funds for the purchase of new computers for every campus. This will bring every campus to a district-wide standard with at least *four computers for every classroom and one computer for every five students*.

Principals will determine actual assignment of computers to classrooms, labs, and other locations on their campus.

Note the following:

- **Number of Academic Teachers** - does not include Art or Music teachers, and other special areas.
- **Number of Student Computers** - includes only Windows 95 and 98 computers and does not include administrative workstations, computers for art & music, and CATE computers.
- **Computers needed for five students per computer** - is the number of students divided by 5, minus the number of student computers.
- **Computers needed for four computers per classroom** - is the number of classrooms times four, minus the number of student computers.
- **Greater value** - whichever of the previous two columns is larger.
- **Printers** - for budget purposes, the plan calls for one printer at \$200 for every four computers. Principals may decide to purchase fewer, more expensive printers (such as laser printers).
- **Hubs** - again, for budget purposes, the plan calls for one 4-port hub at \$90 for every four computers. Principals may decide to purchase fewer, larger-capacity hubs.
- **Total** - the total budgeted for computers, printers and hubs.

DETAILS OF COMPUTER ACQUISITION PLAN (2001-2002)

Campus	Number of Classrooms	Number of Academic Teachers	Number of Students	Number of Student Computers	Computers needed for 5 students per computer	Computers needed for 4 computers per classroom	Greater Value	Printers (1:4 computer)	Hubs (1:4)	\$ Computers (\$1400)	\$ Printer (\$200)	\$ Hubs (\$90)	TOTAL
CIM	60	50	1016	82	121	158	158	40	40	\$221,200	\$7,900	\$3,555	\$232,655
CLF	69	47	993	106	93	170	170	43	43	\$238,000	\$8,500	\$3,825	\$250,325
GPE	31	35	698	97	43	27	43	11	11	\$59,640	\$2,130	\$959	\$62,729
GVE	61	38	921	122	62	122	122	31	31	\$170,800	\$6,100	\$2,745	\$179,645
HAV	48	43	913	219	0	0	25	6	6	\$35,000	\$1,250	\$563	\$36,813
JCE	49	45	818	87	77	109	109	27	27	\$152,600	\$5,450	\$2,453	\$160,503
MAC	43	35	627	74	51	98	98	25	25	\$137,200	\$4,900	\$2,205	\$144,305
NSE	57	48	849	113	57	115	115	29	29	\$161,000	\$5,750	\$2,588	\$169,338
PSE	40	41	782	147	9	13	13	3	3	\$18,200	\$650	\$293	\$19,143
PYB	36	29	537	86	21	58	58	15	15	\$81,200	\$2,900	\$1,305	\$85,405
Tice	46	37	787	77	80	107	107	27	27	\$149,800	\$5,350	\$2,408	\$157,558
WAE	23	22	411	76	6	16	16	4	4	\$22,400	\$800	\$360	\$23,560
CMS	55	38	872	145	29	75	75	19	19	\$105,000	\$3,750	\$1,688	\$110,438
Cobb	59	35	1001	395	0	0	20	5	5	\$28,000	\$1,000	\$450	\$29,450
GPMS	48	55	988	163	35	29	35	9	9	\$48,440	\$1,730	\$779	\$50,949
NSMS	64	55	1121	130	94	126	126	32	32	\$176,400	\$6,300	\$2,835	\$185,535
WAMS	23	20	398	68	12	24	24	6	6	\$33,600	\$1,200	\$540	\$35,340
ACE	8	6	171	41	0	0	4	1	1	\$5,600	\$200	\$90	\$5,890
CFS					0	0	4	1	1	\$5,600	\$200	\$90	\$5,890
GPHS	65	58	1608	210	112	50	112	28	28	\$156,240	\$5,580	\$2,511	\$164,331
NSHS	81	59	1842	204	164	120	164	41	41	\$230,160	\$8,220	\$3,699	\$242,079
NSSH	65	47	1461	402	0	0	30	8	8	\$42,000	\$1,500	\$675	\$44,175
TOTAL	1031	843	18814	3044	1067	1417	1627	407	407	\$2,278,080	\$81,360	\$36,612	\$2,396,052

TECHNOLOGY BOND FUND BUDGET (2001-2002)*Infrastructure Upgrades – Administration Building*

Description	Contracted Services	Equipment	Supplies	TOTAL
Infrastructure Planning	\$50,000			\$50,000
Hardware (Backbone)	\$4,000	\$154,682	\$2,500	\$161,182
Spare equipment		\$20,000		\$20,000
Firewall		\$13,000		\$13,000

*Campus LAN Upgrades**

	Installation	Switches	UPS, Cable	TOTAL
CIM	\$2,400	\$14,002	\$2,200	\$18,602
Cloverleaf	\$2,400	\$25,130	\$2,200	\$29,730
GPE	\$2,400	\$17,152	\$2,200	\$21,752
GPHS	\$2,400	\$40,765	\$2,200	\$45,365
GVE	\$2,400	\$19,840	\$2,200	\$24,440
JCE	\$2,400	\$24,288	\$2,200	\$28,888
MAC	\$2,400	\$16,690	\$2,200	\$21,290
NSE	\$2,400	\$16,690	\$2,200	\$21,290
PSE	\$2,400	\$20,152	\$2,200	\$24,752
Pyeburn	\$2,400	\$16,690	\$2,200	\$21,290
Tice	\$2,400	\$16,690	\$2,200	\$21,290
WAE	\$2,400	\$14,002	\$2,200	\$18,602
WAMS	\$2,400	\$14,002	\$2,200	\$18,602
Head Start	\$600	\$3,159	\$600	\$4,359

*Note The budget for campus LAN upgrades includes costs that may be funded from e-rate. If e-rate funds become available, these budgeted bond funds will be applied to other campus technology needs.

Campus LAN upgrades at CMS, GPMS, NSMS, and NSHS will be funded from TIF project grants as follows:

Campus LAN Upgrades from TIF funds

CMS	\$35,165
GPMS	\$41,925
NSMS	\$41,812
NSHS	\$59,756

Campus Computer Upgrades

Description	Contracted Services	Computers	Printers, Hubs	TOTAL
CIM		\$221,200	\$11,455	\$232,655
CLF		\$238,000	\$12,325	\$250,325
GPE		\$59,640	\$3,089	\$62,729
GVE		\$170,800	\$8,845	\$179,645
HAV		\$35,000	\$1,813	\$36,813
JCE		\$152,600	\$7,903	\$160,503
MAC		\$137,200	\$7,105	\$144,305
NSE		\$161,000	\$8,338	\$169,338
PSE		\$18,200	\$943	\$19,143
PYB		\$81,200	\$4,205	\$85,405
Tice		\$149,800	\$7,758	\$157,558
WAE		\$22,400	\$1,160	\$23,560
CMS		\$105,000	\$5,438	\$110,438
Cobb		\$28,000	\$1,450	\$29,450
GPMS		\$48,440	\$2,509	\$50,949
NSMS		\$176,400	\$9,135	\$185,535
WAMS		\$33,600	\$1,740	\$35,340
ACE		\$5,600	\$290	\$5,890
CFS		\$5,600	\$290	\$5,890
GPHS		\$156,240	\$8,091	\$164,331
NSHS		\$230,160	\$11,919	\$242,079
NSSH		\$42,000	\$2,175	\$44,175

Bond Fund Budget Summary

Campus	Contracted Services	Equipment	Supplies	TOTAL
Administration	\$54,000	\$187,682	\$2,500	\$244,182
CIM	\$2,400	\$235,202	\$13,655	\$251,257
Cloverleaf	\$2,400	\$263,130	\$14,525	\$280,055
GPE	\$2,400	\$76,792	\$5,289	\$84,481
GVE	\$2,400	\$190,640	\$11,045	\$204,085
HAV	\$0	\$35,000	\$1,813	\$36,813
JCE	\$2,400	\$176,888	\$10,103	\$189,390
MAC	\$2,400	\$153,890	\$9,305	\$165,595
NSE	\$2,400	\$177,690	\$10,538	\$190,627
PSE	\$2,400	\$38,352	\$3,143	\$43,894
Pyeburn	\$2,400	\$97,890	\$6,405	\$106,695
Tice	\$2,400	\$166,490	\$9,958	\$178,847
WAE	\$2,400	\$36,402	\$3,360	\$42,162
CMS	\$0	\$105,000	\$5,438	\$110,438
Cobb	\$0	\$28,000	\$1,450	\$29,450
GPMS	\$0	\$48,440	\$2,509	\$50,949
NSMS	\$0	\$176,400	\$9,135	\$185,535
WAMS	\$2,400	\$47,602	\$3,940	\$53,942
ACE	\$0	\$5,600	\$290	\$5,890
CFS	\$0	\$5,600	\$290	\$5,890
GPHS	\$2,400	\$197,005	\$10,291	\$209,696
NSHS	\$0	\$230,160	\$11,919	\$242,079
NSSH	\$0	\$42,000	\$2,175	\$44,175
Head Start	\$600	\$3,159	\$600	\$4,359
GRAND TOTAL	\$85,800	\$2,725,014	\$149,672	\$2,960,486

Attachment III

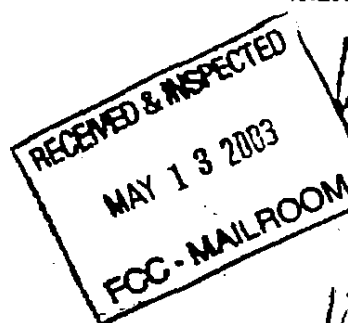
KAY BAILEY HUTCHISON
TEXAS

United States Senate

WASHINGTON, DC 20510-4304

May 6, 2003

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE,
AND TRANSPORTATION
RULES AND ADMINISTRATION
VETERANS' AFFAIRS



RESPECTFULLY REFERRED:

**Congressional Liaison
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554**

Dear Sir/Madam:

The attached communication was forwarded to Senator Hutchison by a constituent who is concerned about a matter that falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated on this individual's behalf, and if a full response could be prepared for me to report to the constituent.

It would be very helpful if the attached were to accompany your response. In the event you require more information, please do not hesitate to contact me in Austin at 512/916-5834 or by fax at 512/916-5839.

Thank you for your courtesy.

PLEASE REPLY TO:

**Office of Senator Kay Bailey Hutchison
Attention: Jennifer Moreton
961 Federal Building
300 East Eighth Street
Austin, Texas 78701**

Enclosure

MAY 13 3 11 PM '03



GALENA PARK INDEPENDENT SCHOOL DISTRICT
14705 Woodforest Blvd Houston, TX 77015 (832) 386-1035

Technology Department

Friday, April 25, 2003

APR 28 2003

The Honorable Kay Bailey Hutchison
United States Senator
1919 Smith, Suite 800
Houston, TX 77002

Re: Appeal of Year 5 e-Rate Applications to FCC

Dear Senator Hutchison:

On March 10, 2002 the USAC Schools and Libraries Division rejected Galena Park ISD's Year 5 e-rate application for \$23.9 million proposed for technology projects for GPISD's schools. We believe this denial was made in error and we are appealing this decision to the Federal Communications Commission.

Enclosed is a copy of our formal appeal to the FCC, along with a brief "E-rate Appeal Executive Summary," which will provide additional information.

We appreciate your support and assistance in this matter.

Sincerely,

Jeffrey L. Lorentz, Ed.D.
Director of Technology

/encl

E-rate Appeal Executive Summary

E-rate is a governmental program administered by the Federal Communications Commission (FCC) through an organization called the Schools and Libraries Division (SLD). The purpose of E-rate is to provide connectivity to the Internet for the nation's schools (district infrastructure and recurring charges – no end user devices (PC's, phones, etc.)). It is funded by a tax on phone use. Each year approximately \$2.25 Billion is available for school districts with the poorest schools getting the most favorable discounts. Funds are paid directly to the district vendors based upon validation of service with the schools providing a percentage of the funds based on free/reduced student populations.

Galena Park ISD (GPISD) was denied funds (\$26Million) in E-rate Year 5 (service time July1, 2002 through June 30, 2003). This denial occurred on March 10th, 2003, almost 14 months after this district's request for funds. The SLD's stated reasons for denial as seen in the letters to GPISD include the following: "Vendor selected by RFP not 470; 470 said no RFP; services for which funding sought not defined when vendor selected; price of services not a factor in vendor selection; price of services set after vendor selection."

Each and every one of these statements is inaccurate (specific responses to each point is available in the Appeal itself) and in fact it is believed that the SLD has changed its rules in midstream in order to justify the denial and has not followed the FCC's own established rules (see FCC/SLD background Process).

Appealing this decision can be done in two ways, directly to the SLD or to the FCC. The appeal must be filed within 60 days of the denial. As it is believed that the SLD is not using a level playing field and has not taken the time to review the specifics of the Galena Park application, an appeal to the FCC directly is warranted. Further, as the FCC is a body of appointed political officials, it is also recommended that the district's congressional delegation be involved in the following ways:

- Made aware of the situation and the potential impact on 20,000 students and the GPISD community
- Ask to directly contact the FCC commissioners and inquire about this situation
- Request an immediate review of the Appeal by the FCC and to make sure that the FCC guidelines are applied evenly and fairly

GPISD has applied for specific items that are clearly eligible under the E-rate guidelines. The role of the SLD is to promote Internet use, especially amongst the nation's poorer schools and children. This denial (and the manner it was handled) was wrong and only hurts the children of Galena Park ISD.